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belief, a feeling, a confidence in justice, and, when you have done that, you are at least on the path toward that Utopia that we all long for."—Pres. A. LAWRENCE LOWELL.

### International Cooperation.\*

John Bassett Moore.

The Lake Mohonk Conference on International Arbitration assembles this year in the midst of the greatest catastrophe that has befallen the world since the close of the Napoleonic wars a hundred years ago. This unfortunate situation inculcates the importance of facing candidly the realities of life and the grave problems which they involve. The tendency of the human mind, running in advance of results, to treat as an accomplished fact that which it desires to bring about, may often exert in the affairs of life a useful and helpful influence; but when, following the "illusions of hope," it bids us close our eyes to actual conditions and to rely in comfortable security upon safeguards that either do not exist or are so defective as to be practically non-existent, it may become a peril as well as a hindrance to wise and essential effort.

We do not meet today for the purpose of discussing the rights or the wrongs of the present appalling conflict. It is upon us, and nothing that we can say can allay or retard it. But, apart from the merits of the cause of any particular belligerent, it does teach us the necessity of something in the direction of international co-operation more far-reaching than has heretofore been tried, if the part which war has played in international affairs is to be appreciably diminished. I say international co-operation; for, after all is said and done, there is no device by which peace can be preserved unless nations co-operate in making it effective. Sixteen years ago, when the nations agreed to the establishment of the Permanent Court at The Hague, it seemed to many that the millennium had come; and they certainly were justified in thinking that a great step forward had been taken. Gradually the whole world was brought into the arrangement; but, with the lapse of time, it became apparent that, although a "world court" had been established, the spirit of co-operation was lacking to make it thoroughly effective. Wars broke out without resort to it; and when it was sought to render the resort obligatory, nations were found to be indisposed to bind themselves to submit questions of serious importance, such as were likely to produce a conflict.

In view of the abundant, constant warnings which history furnishes against relying upon any one device for the prevention of war, I propose today to make a general survey of the international situation with a view to ascertain the fundamental conditions with which, in our efforts after peace, we are obliged to deal, and the nature of the measures which we must devise in order to meet them.

The record of man on earth, as we know it, relates to the activities of various tribes, peoples, and nations, and, until a comparatively recent time, is concerned chiefly with their wars one with another. During the past two hundred years a marked development had taken place in the conception of nationality. International law,

\*Opening address at Lake Mohonk Arbitration Conference, May 19, 1915.

since it came into systematic existence, has assumed as its foundation the principle of the independence and equality of nations. This principle, as expounded by Grotius and his followers, represented a progressive and enlightened sentiment, which was intended to assure even to the feeblest member of the family of nations the preservation of its rights. As the great Swiss publicist, Vattel, eloquently declared: "Power or weakness does not in this respect produce any difference. A dwarf is as much a man as a giant; a small republic is no less a sovereign state than the most powerful kingdom." Or, to employ the graphic phrase of our own John Marshall: "Russia and Geneva have equal rights."

But, with the principle of independence and equality, there was associated another principle antagonistic and potentially fatal to it. This was the principle that every independent nation had the right to declare war, for any cause deemed by it to be sufficient; and that, having declared war, it immediately acquired all the rights pertaining to that condition, including the right of conquest, under which the stronger power, even though it were the aggressor, might lawfully proceed to destroy or absorb its adversary.

It was for the purpose, among others, of limiting the exercise of this right and of maintaining the independence of nations, that the European concert, so often superficially criticized, came into being. This concert, however, never undertook to place any theoretical limitation upon the rights of war. It represented merely a union of nations, and incidentally of their forces, to the end that the balance of power in the existing system should not be unduly disturbed. At the present day the world is groping about for something beyond this, for a measure more radical, which will establish a reign of law among nations similar to that which exists within each individual state.

It is evident that the first condition of the establishment of such an international system is the regulation of the conception of nationality. Exaggerated to the point where it either subordinates human rights to supposed national interests, or regards the interests of humanity as being capable of realization only through a particular national agency, there can be no doubt that this conception directly incites to the transgression of the bounds of law and of justice. This tendency, often aggravated by confused, declamatory, transcendentalist teachings evolved from the emotions rather than from the observation of existing facts, has not been confined to any one nation or to any particular age. It has nowhere been more strongly manifested than among the ancient Hebrews, who, regarding themselves as the "chosen people of God," conceived themselves to be merely the instrument of the Almighty in obliterating their enemies. It was in the 137th Psalm, in the phrase, "Happy shall he be that taketh and dasheth thy little ones against the stones," that Grotius found an unquestionable proof that the right of war permitted the slaughter of women and infants with impunity. Nor can it be denied that, in a milder form, the doctrine of the "manifest destiny" of certain nations to extend their boundaries, by force if necessary, is tinged with the same thought.

Nevertheless, when we come to analyze the conception of nationality, as expounded by philosophers, we find that its principal ingredients are largely imaginary. We

have often been told, in phraseology supposed to be highly scientific, that the "nation" is an ethnographic unity within a geographic unity, or words to that effect. Except in remote, restricted areas, inhabited by savage tribes, this combination of conditions can scarcely be said fully to exist. It is found least of all in some of the most enlightened and most progressive countries of today, such as Switzerland; and with the constant movements of population resulting from improved means of transportation, is less and less likely to continue anywhere as a stationary condition. Tried by such a theory or definition, what should be said of our own United States, with its admixture of races from all quarters of the globe? And as for the element of geographic unity, it suffices to say that the applications of steam and of electricity have rendered it an anachronism.

Assuming, then, that our goal is the establishment among nations of a reign of law, in such sense that each nation is subject to the law, the fundamental object which it is essential to accomplish is to limit the present unrestricted right of the individual nation to declare war, and incidentally to acquire the right of conquest. This object would be attained by establishing the principle that a nation, before declaring war upon another, must submit its grievance to the judgment of its associated nations, and that without such submission it should not be regarded as acquiring the right of conquest.

In this relation it is interesting to refer to one of the transactions of the First International American Conference, which was held in Washington in 1889-1890. On April 18, 1890, the committee on general welfare, acting upon a motion submitted by the Argentine Republic and Brazil, recommended the adoption of resolutions declaring that the principle of conquest should not thereafter be recognized as admissible under American public law; that in the future cessions of territory should be void if made under threats of war or in the presence of an armed force; that a nation from which such cessions should be exacted might always demand that the question of their validity be submitted to arbitration, and that any renunciation of the right to have recourse to arbitration should be null and void under all circumstances. This report was subsequently taken up in connection with the project of an arbitration adopted by the conference. By this project all questions were to be submitted to arbitration except that of national independence, and even in this case arbitration was declared to be obligatory upon the adversary power. Combining this project of a treaty with the proposed abolition of the right of conquest, Mr. Blaine presented a plan upon which the conference unanimously agreed, with the exception of one delegation that abstained from voting. Under this plan it was agreed that the principle of conquest should not, during the continuance of the treaty of arbitration, be recognized as admissible under American public law.

It may be doubted whether the far-reaching significance of the plan thus outlined was at the time fully grasped. The plan was in reality in advance of the times. It was not ratified by the governments concerned, and never became effective. But it clearly presented the fundamental principle upon which nations must unite if they would place their relations upon a thoroughly legal basis.

Far more difficult than the statement of the object to be attained is the formulation and application of measures to carry it into effect. Here again it is of the first importance to grasp in its details the problem with which we are dealing. During the past ten years we have, for instance, often been assured that what the world needs is an arbitration tribunal and an "international police" to enforce its awards. This statement seems to disclose both a misconception of fact and an incomplete grasp of conditions. The misconception of fact is the supposition that the evil from which the world today suffers is the disregard of arbitral awards. In reality, arbitral awards have been remarkably well observed, in spite of the indulgence now and then lately shown to the vicious notion, by which the domestic administration of justice is so much enfeebled and impaired, that every sentence of a judicial tribunal ought to be subject to some kind of an appeal. The actual problem with which the world is confronted is how to induce nations to accept not the results, but the process, of arbitration.

The proposal for an "international police" requires a more extended examination. As originally advanced, it seems to have contemplated the maintenance by a certain number of the larger powers of an international force for the purpose of correcting or restraining the misconduct of smaller or weaker states. Even in this restricted form it involved certain assumptions the correctness of which is by no means self-evident; for, while the possession of physical strength is not an invariable proof of virtue or of disinterested devotion to the cause of justice, it is also true that some of the finest examples of national rectitude and enlightenment are to be found in the conduct of the smaller states.

When so expended as to embrace all nations, the underlying idea of an international police appears to be that of a force to compel all states, without regard to their strength or weakness, to observe international law; and, when so extended, the proposal is at once seen to be closely connected with the question of the limitation, or of the development, as the case may be, of national armaments. How large a force, it may be asked, would have to be maintained in order effectually to hold in check any of the great powers of Europe, if their national armaments were continued on the scale of the past twenty-five years? History tells us that the force of a great united nation is exceedingly difficult to overcome. Without recurring to earlier examples, it suffices to point to the fact that for almost twenty-three years preceding the close of the Napoleonic wars France fought, and at times seemed to vanquish, the vast European combination formed against her, and yet in the end emerged from the contest with her boundaries little diminished. It is manifest that an international force, organized to assure the preservation of peace, would have to be, as against any individual national organization, far stronger in numbers and in equipment than anything we are accustomed to think of under the term "police." It would need to be practically overwhelming, unless it were merely to have the effect of the great armaments of Europe today in involving in hostilities a larger number of men and making armed conflict more bloody and more costly. And it is equally manifest that, unless national armaments were greatly reduced, a proportionate contribution to such an international force

would require on the part of the United States a development of its military resources far beyond that which has usually been contemplated. I mention this not as an argument, but only as a fact.

These considerations are equally important and vital, whether the force which it is proposed to employ is to be in a strict sense international, or whether it is to be composed of the forces of united nations, combined for the attainment of a common end. In the present state of the world, the latter conception would appear to be simpler and more immediately practicable. But, viewed in either aspect, continuous union and co-operation would be the first and essential requisite of the success of the plan.

The fact cannot be too often or too strongly stated that, for the preservation of order, national or international, we cannot rely upon force alone. Force is not an end; it is merely the means to an end. Situations often arise in which the resort to forcible measures tends to provoke conflict rather than to prevent it. Economic pressure may in many instances be far more efficacious than attempts at direct coercion; nor are proofs wanting that forbearance may sometimes be more effective than either, even leading to the eventual acceptance of wise solutions which were in the heat of controversy rejected. We must not forget that, back of all effort, moral or physical, lie the feelings, the sentiments, the aspirations of humanity; and it is only by the organization of forces, moral and physical, in such manner as to assure justice and contentment through co-operation, that widespread outbreaks of violence can be avoided.

In order to attain this end, it would be necessary to provide for the employment of three different kinds of agencies, which may be designated by the titles Arbitration, Conciliation, Legislation. We may briefly consider them in this order:

1. *Arbitration*.—This represents the judicial process. As defined in The Hague Convention for the Pacific Settlement of International Disputes, "international arbitration has for its object the settlement of differences between states by judges of their own choice, on the basis of respect for law." With the object of facilitating the "immediate recourse" to this process, the convention provided for the establishment of a "Permanent Court of Arbitration, accessible at all times" and proceeding in accordance with definite rules. This court was duly organized. It is still in existence. It has dealt with a number of cases, some of which were important, and its decisions have been carried into effect. Proposals have been made for its improvement or alteration, as well as for the establishment of another or additional tribunal differently constituted. Into the discussion of these proposals it is not my purpose now to enter. Some criticisms of the present court have, as in the case of its decision upon the preferential claim of the blockading powers in Venezuela, disclosed a defective appreciation either of the law and the facts or of the proper functions of a judicial tribunal. But, speaking for myself individually, I would support any measure that tended to render the resort to international arbitration easier, more general, and more efficacious.

2. *Conciliation*.—The fact is generally admitted that for the preservation of peace and order judicial methods will not alone suffice. Even though it be demonstrable that international arbitration may be carried, because it

has been carried far beyond the limits set in some of our general treaties of arbitration, it is nevertheless true that the judicial process is not adequate to all the needs of international life. It often happens that differences can be effectually adjusted only by the removal of their causes, and this may require the exercise of a power and discretion beyond the application of existing rules. The exercise of such a power would properly be vested in a tribunal of conciliation.

Under the supervision of such a body there could be carried on the process of investigation which is properly entrusted to joint commissions, and which may be essential to the success of arbitration as well as of conciliation. With this object in view, provision was made in The Hague Convention for the Pacific Settlement of International Disputes for mediation and for international commissions of inquiry. Investigation by means of joint commissions formed a conspicuous part of the unratified treaties concluded by the United States in 1911 with France and Great Britain. It also forms the chief means provided for in the so-called peace pacts concluded during the past two years between the United States and various powers; for, although these agreements have often been criticised as unlimited treaties of arbitration, they do not in fact provide for arbitration at all, but merely require an investigation and report, and expressly reserve to the contracting parties, when the report shall have been received, full liberty of action.

The defect in all measures for investigation and report is one which it is difficult to meet by a prior formal agreement. This is the case of a continuing injury which one nation may seek to inflict upon another, an injury of such a nature that human interests or human feelings are not likely to tolerate its continuous imposition for a continuous space of time. Such a situation might have to be met by a *modus vivendi*, and the attempt to employ such an expedient would again bring us face to face with the fact that, without the spirit of co-operation and the willingness to observe the limitations of law and justice, the use of force cannot be avoided.

3. *Legislation*.—In the formation of an international organization, provision for the definition and improvement of the rules of international intercourse would form an important and essential part. A step in this direction was taken in the Peace Conferences at The Hague, but it fell far short of what is necessary to make the legislative process effective. This is particularly the case in respect of the power to enact rules of law. In The Hague Conferences unanimity was necessary to the establishment of a rule binding on all the powers; and even in the treaties relating to the conduct of war, it was provided that they should not be obligatory unless all the parties to the particular conflict had ratified them. It is probably true that, if there were allowed to each independent state, as has heretofore been done, a single vote, a mere majority rule would be quite unacceptable. While I am not so much disturbed, as many persons seem to be, by the apprehension that small states would be found systematically to unite against larger states, yet the rule of a mere numerical majority of nations would necessarily meet with strong opposition. The requirement of unanimity must, however, be done away with before an international law-making power can be effectually established; and there should be no difficulty

in abolishing it when the principle, so essential to international organization, is once accepted, that no nation is so high or so powerful as to be above the law.

## The International Peace Congress of Women.

Louis P. Lochner.

"When do you suppose the big row will come off?"

It was the correspondent of a leading New York daily who addressed me thus as I took my seat among the fifty or more French, German, English, Dutch, Austrian, Hungarian, and American correspondents in the huge "Dierentium" at The Hague on April 28 to witness the opening of the first international congress of women held in the interests of world peace—and that, too, at a time when ten nations were engaged in a life-and-death military struggle, with an eleventh and a twelfth about to be drawn into the maelstrom.

My New York colleague left in disgust on the third day of the conference because his hopes to witness some sensational outburst or manifestation of hysteria were sorely disappointed.

That was precisely one of the remarkable facts of the gathering, and one that alone made all the effort put into it more than worth while: the more than 1,500 women from fourteen different countries conducted themselves with a moderation and restraint that was the more commendable when one remembers that among them were women from Germany and England, from Austria-Hungary and Belgium, from Italy and Canada. These women from the belligerent or near-belligerent countries had in many cases seen war in its cruelest forms. They had, some of them, lost near relatives; others were even then uncertain whether their husbands at the front were still in the ranks of the living; still others had been witnesses to unforgettable scenes of suffering and agony in hospitals or in bombarded cities. And yet, as one prominent delegate remarked, "their sorrows, like those of the women of Greek tragedy, were the impersonal sorrows for the wrongs of the world, and not for their own individual sufferings." They met their sisters from countries at war with their own in a spirit of sympathetic understanding and comradeship, without once trying to assess upon the other's nation the responsibility for the world catastrophe.

Why did these women assemble at this seemingly inexpedient time? Did they expect—as some correspondents thought they did—that the mere fact of their assembling would end the war? And what may be definitely asserted as having come out of this gathering?

I doubt whether I have seen a better statement of the purpose and scope of the meeting than that by the president of the congress, Miss Jane Addams, "not of Hull House, not of the United States, but indeed of the world" (as she was fondly introduced when the gavel was placed in her hand):

"We have come to this congress not only to protest from our hearts against the barbarity of war, and with the utmost patience we can command, unafrighted even by the 'difficult and technical,' to study this complicated modern world of ours, now so sadly at war with itself, but furthermore we would fain suggest ways by which this large internationalism may find itself and dig new channels through which it may flow."

The first day of the congress was one that little foreboded the constructive, forward-looking action that marked the later sessions. The women seemed to distrust their own abilities. They appeared content to express and vote affirmatively upon platitudes regarding woman's sufferings in war, her abhorrence of international bloodshed, her pledge to help educate children in the ideals of peace, and her demand that she be given the parliamentary franchise in order that she might the better work toward the establishment of peaceful relations.

But with the second day there came about a decided change. Specific problems of international concern were taken up and discussed with a grasp even of technical details that surprised many an expert on international matters. A few examples will illustrate. The principles of a permanent peace subscribed to by the women's congress include the following fundamental clauses, besides one in favor of suffrage:

"That no territory should be transferred without the consent of the men and women in it, and that the right of conquest should not be recognized.

"That autonomy and a democratic parliament should not be refused to any people.

"That the governments of all nations should come to an agreement to refer future international disputes to arbitration or conciliation and to bring social, moral, and economic pressure to bear upon any country which resorts to arms.

"That foreign politics should be subject to democratic control."

Again, the congress tackled such problems as the question of investments in foreign countries, and urged the widest possible acceptance of the principle "that such investments shall be made at the risk of the investor, without claim to the official protection of his government." It demanded the neutralization of the seas and of trade routes; it urged the calling of the Third Hague Conference immediately after the war; it recorded its belief that the governments should by international agreement take over the manufacture of arms and munitions of war, thereby eliminating the pernicious activities of the international war trust.

In the advocacy of these principles the American group of almost fifty (the largest delegation outside that of Holland) bore a most creditable part. But the most noteworthy contribution made by the women from the United States is the suggestion that the work of The Hague be expanded to include "a permanent council of conciliation and investigation for the settlement of international differences arising from economic competition, expanding commerce, increasing population, and changes in social and political standards."

As one surveys the work of the First and Second Hague Conferences, especially in the light of the present war, with its wholesale disregard of The Hague stipulations regarding dum-dum bullets, and bombs from aeroplanes, and asphyxiating gases, one is struck by the inordinate amount of time spent in an effort to "humanize" warfare (an attempt at the impossible!), and the small space devoted to devising means for making war avoidable. True, The Hague Court of Arbitration was created, but this court becomes operative only after disputes of a juridical character have arisen. The platform of the women's congress demands more. It calls for the construction of machinery by which changing conditions